

FORMALITIES LETTER



OC000000005059699

UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/497,590	02/03/2000	Gary Karlin Michelson	101-0044-03000

22882
MARTIN & FERRARO
14500 AVION PARKWAY
SUITE 300
CHANTILLY, VA 201511101

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APR 28 2000

MARTIN & FERRARO LLP

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JUN 9 2000

OFFICE OF PETITIONS
DEPUTY A/C PATENTS
Date Mailed: 04/18/2000

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **45,58,68** of the specification (description and claims).

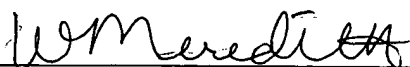
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Receipt # DAC #4

PATENT
Attorney Docket No. 101.0044-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Gary Karlin Michelson)
Serial No. 09/497,590)
Filed: February 3, 2000)
For: Apparatus For Inserting Spinal Implants)

Group Art Unit: 3732

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Assistant Commissioner for Patents
OFFICE OF INITIAL PATENT EXAMINATION
Washington, D.C. 20231

JUN 9 2000

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Sir:

REQUEST FOR CORRECTED FILING RECEIPT

We are forwarding herewith a copy of a Filing Receipt for the above-identified patent application. As indicated in ink on the attached copy, there is an error in the Filing Receipt. **The error is under "Continuing Data as Claimed By Applicant." The last four (4) lines need to be deleted based on item 6 of the Continuation Application Transmittal as filed.**

It is respectfully requested that a corrected Filing Receipt be issued as soon as possible.

Respectfully submitted,

MARTIN & FERRARO LLP

Dated: 6/13/00

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383
14500 Avion Parkway, Suite 300
Chantilly, VA 20151-1101
Telephone: (703) 679-9300
Facsimile: (703) 679-9303

FILING RECEIPT

OC00000005059698


**UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark Office**

 Address: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/497,590	02/03/2000	3732	690	101-0044-03000	32	17	1

 22882
 MARTIN & FERRARO
 14500 AVION PARKWAY
 SUITE 300
 CHANTILLY, VA 201511101


Date Mailed: 04/18/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Gary Karlin Michelson, Venice, CA ;

Continuing Data as Claimed by Applicant
 THIS APPLICATION IS A CON OF 08/482,162 06/07/1995
 WHICH IS A DIV OF 08/396,414 02/27/1995

~~WHICH IS A DIV OF 08/374,781 06/18/1995 PAT 5,741,253~~

WHICH IS A CIP OF 07/968,240 10/25/1992 PAT 5,741,253

WHICH IS A CON OF 07/698,674 05/10/1991 ABN

~~WHICH IS A DIV OF 07/285,035 06/15/1990 PAT 5,315,247~~
Foreign Applications

If Required, Foreign Filing License Granted 04/18/2000

**

Title

Apparatus for inserting spinal implants

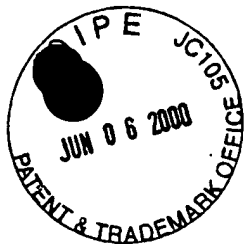
Preliminary Class

606

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APR 28 2000

MARTIN & FERRARO LLP



101-0044-03000
Express Mail Label No. EL399233488US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application
Examiner: Brown, M.
Art Unit: 3764

CONTINUATION APPLICATION TRANSMITTAL

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for filing a continuation application pursuant to 37 C.F.R. § 1.53(b), of pending prior application:

Serial No. 08/482,162 filed June 7, 1995, by Gary K. Michelson, M.D. (inventor(s) currently of record in prior application) for APPARATUS FOR INSERTING SPINAL IMPLANTS (AS AMENDED).

1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed, or a replacement specification which does not add new matter.
2. ☒ The filing fee is calculated below:

CALCULATION OF FEES								
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE
A	TOTAL CLAIMS FEE	18	-20	0	LG=\$18 SM=\$9	\$18	\$ 0	0
B	INDEPENDENT CLAIMS FEE*	1	-3	0	LG=\$78 SM=\$39	\$78	\$ 0	0
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)							\$ 0
D	MULTIPLE-DEPENDENT CLAIMS FEE				LARGE ENTITY FEE = \$260 SMALL ENTITY FEE = \$130		\$ 0	
E	BASIC FEE				LARGE ENTITY FEE = \$690 SMALL ENTITY FEE = \$345		\$ 690.00	
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$690.00
	*LIST INDEPENDENT CLAIMS 1							

3. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 50-1066. A copy of this sheet is enclosed.
4. ☒ A check in the amount of \$ 690.00 is enclosed.

5. ☒ Cancel in this application original claim(s) 2-104 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. ☒ Amend the specification by deleting the first sentence under "Related Applications" on page 2 and insert before the first line the sentence:

This is a ☒ continuation ☐ division of application Serial No. 08/482,162 filed June 7, 1995, which is a division of application Serial No. 08/396,414, filed February 27, 1995.

7a. ☒ New formal drawings are enclosed.

7b. ☐ Priority of application Serial Nos.:

___ application Serial No. ___ filed ___ is claimed under 35 U.S.C. § 119.

7c. ☐ The certified copy of the priority application will be filed in prior application Serial No. ___, filed ___.

8. ☐ The prior application is assigned of record to: ___.

9. ☒ The power of attorney in the prior application is as listed on the attached copy of the declaration filed in the patent application.

a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to the following Customer Identification Number:



22882

PATENT TENDER OFFICE

Customer ID# 22882
MARTIN & FERRARO LLP
14500 Avion Parkway, Suite 300
Chantilly, VA 20151-1101
703-679-9300

10a. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

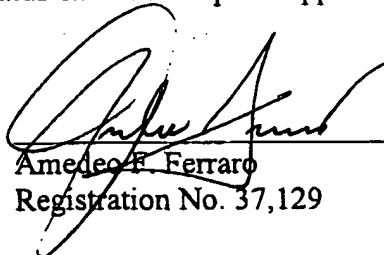
10b. ☐ A separate check for \$___ is enclosed to cover additional claims added by the preliminary amendment.

11. ☐ Enclosed find the following declaration(s) in support of Small Entity status for this application:

- ☐ Inventor(s)
- ☐ Individual other than inventor
- ☐ Nonprofit organization
- ☐ Small business concern

12. ☐ The statement(s) of Small Entity Status filed in the prior application is (are) still proper.

Date: February 2, 2000


Amedeo F. Ferraro
Registration No. 37,129

14500 Avion Parkway, Suite 300
Chantilly, VA 20151-1101
Telephone: 703-679-9300
Facsimile: 703-679-9303



PATENT
Attorney Docket No. 101.0044-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Gary Karlin Michelson)
Serial No. 09/497,590) Group Art Unit: 3732
Filed: February 3, 2000)
For: Apparatus For Inserting Spinal Implants)

Assistant Commissioner for Patents
OFFICE OF INITIAL PATENT EXAMINATION
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING VIA FIRST CLASS MAIL

Date of Deposit: June 3, 2000


I hereby certify that:

1. Response to Notice of Omitted Items in a Nonprovisional Application and Petition Under 37 C.F.R. § 1.182
2. Complete copy of application including Declaration
3. Copy of Notice of Omitted Items in a Nonprovisional Application
4. Check for \$130.00
5. Request for Corrected Filing Receipt
6. Marked-up copy of Filing Receipt
7. Self-addressed stamped postcard receipt

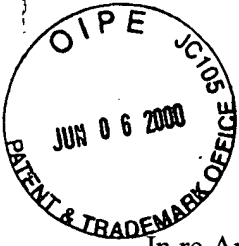
are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Date: June 3, 2000


Sandra L. Blackmon

14500 Avion Parkway, Suite 300
Chantilly, VA 20151-1101
Telephone: 703-818-3261



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Gary Karlin Michelson)
Serial No. 09/497,590) Group Art Unit: 3732
Filed: February 3, 2000)
For: Apparatus For Inserting Spinal Implants)

Assistant Commissioner for Patents
OFFICE OF INITIAL PATENT EXAMINATION
Washington, D.C. 20231

Sir:

**RESPONSE TO NOTICE OF OMITTED ITEMS
IN A NONPROVISIONAL APPLICATION
AND PETITION UNDER 37 C.F.R. § 1.182**

In response to the communication of April 18, 2000, Applicant hereby petitions under 37 C.F.R. § 1.182 requesting a later filing date, and submits a complete and better quality pages of the above-identified application, the required fee of \$130.00 under 37 C.F.R. § 1.17(h), a copy of the original Declaration in accordance with 37 C.F.R. § 1.64(d), and a copy of the Notice of Omitted Items in a Nonprovisional Application.

Please associate the enclosed documents with the above-identified application.

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06/08/2000 CV0111 00000139 03497590 130.00 UP
01:00:122

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-1066.

Respectfully submitted,

MARTIN & FERRARO LLP

Dated: June 3, 2000

By: 

Thomas H. Martin
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14500 Avion Parkway, Suite 300
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OCT 22 2001

OFFICE OF PETITIONS

PATENT
101.0044-03000

Express Mail Label No. EL399233488US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: N/A

Filed: February 2, 2000

For: APPARATUS FOR INSERTING
SPINAL IMPLANTS (AS
AMENDED)

Art Unit: 3764

Examiner: Brown, M.

DRAWING AMENDMENT

Attn.: OFFICIAL DRAFTSMAN
Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

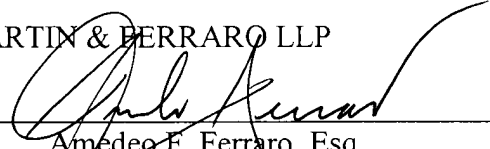
Dear Sir:

Permission is respectfully sought to substitute the enclosed thirty-two (32) sheets of formal drawings of FIGS. 1-41 for the original set of drawings submitted with the application identified above.

Should the Examiner have any further questions, please contact the undersigned directly.

Respectfully submitted,

MARTIN & FERRARO LLP

By: 
Amedeo F. Ferraro, Esq.
Registration No. 37,129
Attorney for Applicant(s)

Date: February 2, 2000

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